

103^D CONGRESS
1ST SESSION

S. 1263

To provide disaster assistance to agricultural producers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 20 (legislative day, JUNE 30), 1993

Mr. HARKIN (for himself and Mr. CONRAD) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To provide disaster assistance to agricultural producers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Disaster Assistance Act of 1993”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—EMERGENCY CROP LOSS ASSISTANCE

Subtitle A—Annual Crops

- Sec. 101. Payments to program participants for target price commodities.
- Sec. 102. Payments to program nonparticipants for target price commodities.
- Sec. 103. Peanuts, sugar, and tobacco.
- Sec. 104. Soybeans and nonprogram crops.
- Sec. 105. Crop quality reduction disaster payments.
- Sec. 106. Effect of Federal crop insurance payments.
- Sec. 107. Crop insurance coverage for the 1994 and 1995 crops.
- Sec. 108. Crops harvested for forage uses.
- Sec. 109. Payment limitations.
- Sec. 110. De minimis yields.
- Sec. 111. Substitution of crop insurance program yields.
- Sec. 112. Planting oilseeds on prevented planting acreage.

Subtitle B—Orchards

- Sec. 121. Definition of eligible orchardist.
- Sec. 122. Eligibility.
- Sec. 123. Assistance.
- Sec. 124. Limitation on assistance.
- Sec. 125. Duplicative payments.

Subtitle C—Forest Crops

- Sec. 131. Definition of eligible tree farmer.
- Sec. 132. Eligibility.
- Sec. 133. Assistance.
- Sec. 134. Limitation on assistance.
- Sec. 135. Duplicative payments.

Subtitle D—Administrative Provisions

- Sec. 141. Ineligibility.
- Sec. 142. Timing and manner of assistance.
- Sec. 143. Commodity Credit Corporation.
- Sec. 144. Regulations.
- Sec. 145. Application of subtitle.

TITLE II—RURAL BUSINESSES

- Sec. 201. Disaster assistance for rural business enterprises.

TITLE III—DISASTER CREDIT AND FORBEARANCE

- Sec. 301. Emergency loans.
- Sec. 302. Farm operating loans.

1 **SEC. 2. DEFINITIONS.**

2 As used in this Act:

- 3 (1) **DAMAGING WEATHER.**—The term “damag-
- 4 ing weather” includes drought, hail, excessive mois-

ture, freeze, tornado, hurricane, earthquake, or excessive wind, or any combination thereof.

(2) RELATED CONDITION.—The term “related condition” includes insect infestations that do not regularly reoccur, plant diseases, or other deterioration of a crop of a commodity, including aflatoxin, that is accelerated or exacerbated naturally as a result of damaging weather occurring prior to or during harvest.

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

TITLE I—EMERGENCY CROP LOSS ASSISTANCE Subtitle A—Annual Crops

SEC. 101. PAYMENTS TO PROGRAM PARTICIPANTS FOR TARGET PRICE COMMODITIES.

(a) DISASTER PAYMENTS.—

(1) IN GENERAL.—Effective only for producers on a farm who elected to participate in the production adjustment program established under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) for the 1993 crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice, except as otherwise provided in this subsection, if the Secretary determines that, because of damaging weather or related

1 condition in 1992 or 1993, the total quantity of the
2 1993 crop of the commodity that the producers are
3 able to harvest on the farm is less than the result
4 of multiplying 60 percent (or, in the case of produc-
5 ers who obtained crop insurance for the 1993 crop
6 of the commodity under the Federal Crop Insurance
7 Act (7 U.S.C. 1501 et seq.), 65 percent) of the farm
8 program payment yield established by the Secretary
9 for the crop by the sum of the acreage planted for
10 harvest and the acreage prevented from being plant-
11 ed (because of a natural disaster, as determined by
12 the Secretary) for the crop, the Secretary shall make
13 a disaster payment available to the producers at a
14 rate equal to—

15 (A) 65 percent of the established price for
16 the crop for any deficiency in production great-
17 er than—

18 (i) 40 percent, but not greater than
19 80 percent, for the crop; or

20 (ii) in the case of producers who ob-
21 tained crop insurance for the 1993 crop of
22 the commodity under the Federal Crop In-
23 surance Act, 35 percent, but not greater
24 than 75 percent, for the crop; and

(B) 90 percent of the established price for the crop for any deficiency in production greater than—

(i) 80 percent for the crop; or

(ii) in the case of producers who obtained crop insurance for the 1993 crop of the commodity under such Act, 75 percent for the crop.

(2) LIMITATIONS.—

(A) ACREAGE IN EXCESS OF PERMITTED ACREAGE.—Payments provided under paragraph (1) for a crop of a commodity may not be made available to producers on a farm with respect to any acreage in excess of the permitted acreage for the farm for the commodity.

(B) CROP INSURANCE.—Payments provided under paragraph (1) for a crop of a commodity may not be made available to producers on a farm unless the producers enter into an agreement to obtain multiperil crop insurance, to the extent required under section 107.

(3) REDUCTION IN DEFICIENCY PAYMENTS.—

The total quantity of a crop of a commodity on which deficiency payments otherwise would be payable to producers on a farm under the Agricultural

1 Act of 1949 shall be reduced by the quantity on
2 which a payment is made to the producers for the
3 crop under paragraph (1).

4 (4) ELECTION OF PAYMENTS.—

5 (A) APPLICATION OF PARAGRAPH.—This
6 paragraph shall apply, effective only for the
7 1993 crops of wheat, feed grains, upland cot-
8 ton, extra long staple cotton, and rice, to pro-
9 ducers on a farm who—

10 (i) had failed wheat, feed grain, up-
11 land cotton, extra long staple cotton, or
12 rice acreage; or

13 (ii) were prevented from planting
14 acreage to the commodity because of dam-
15 aging weather or related condition in 1992
16 or 1993.

17 (B) ELECTION.—The Secretary shall (not
18 later than 30 days after the date of enactment
19 of this Act) permit producers referred to in sub-
20 paragraph (A) to elect whether to receive disas-
21 ter payments in accordance with this section in
22 lieu of payments received under the Agricul-
23 tural Act of 1949.

24 (b) ADVANCE DEFICIENCY PAYMENTS.—

1 (1) APPLICATION OF SUBSECTION.—This sub-
2 section shall apply only to producers on a farm who
3 elected to participate in the production adjustment
4 program established under the Agricultural Act of
5 1949 for the 1993 crop of wheat, feed grains, up-
6 land cotton, extra long staple cotton, or rice.

7 (2) FORGIVENESS OF REFUND REQUIRE-
8 MENT.—

9 (A) IN GENERAL.—Subject to subpara-
10 graph (B), if because of damaging weather or
11 related condition in 1992 or 1993 the total
12 quantity of the 1993 crop of the commodity
13 that the producers are able to harvest on the
14 farm is less than the result of multiplying the
15 farm program payment yield established by the
16 Secretary for the crop by the sum of the acre-
17 age planted for harvest and the acreage pre-
18 vented from being planted (because of a natural
19 disaster, as determined by the Secretary) for
20 the crop (referred to in this subsection as the
21 “qualifying quantity”), the producers shall not
22 be required to refund any advance deficiency
23 payment made to the producers for the crop
24 under section 107C of the Agricultural Act of
25 1949 (7 U.S.C. 1445b-2) with respect to that

1 portion of the deficiency in production that does
2 not exceed—

3 (i) in the case of producers who ob-
4 tained crop insurance for the 1993 crop of
5 the commodity under the Federal Crop In-
6 surance Act, 35 percent of the qualifying
7 quantity; and

8 (ii) in the case of other producers, 40
9 percent of the qualifying quantity.

10 (B) CROP INSURANCE.—Producers on a
11 farm shall not be eligible for the forgiveness
12 provided for under subparagraph (A), unless
13 the producers enter into an agreement to obtain
14 multiperil crop insurance, to the extent required
15 under section 107.

16 (3) ELECTION FOR NONRECIPIENTS.—The Sec-
17 retary shall allow producers on a farm who elected,
18 prior to the date of enactment of this Act, not to re-
19 ceive advance deficiency payments made available for
20 the 1993 crop under section 107C of the Agricul-
21 tural Act of 1949, to elect (not later than 30 days
22 after the date of enactment of this Act) whether to
23 receive the advance deficiency payments.

24 (4) DATE OF REFUND FOR PAYMENTS.—Effec-
25 tive only for the 1993 crops of wheat, feed grains,

1 upland cotton, and rice, if the Secretary determines
2 that any portion of the advance deficiency payment
3 made to producers for the crop under section 107C
4 of the Agricultural Act of 1949 must be refunded,
5 the refund shall not be required prior to July 31,
6 1994, for that portion of the crop for which a disas-
7 ter payment is made under subsection (a).

8 **SEC. 102. PAYMENTS TO PROGRAM NONPARTICIPANTS FOR**
9 **TARGET PRICE COMMODITIES.**

10 (a) DISASTER PAYMENTS.—

11 (1) IN GENERAL.—Effective only for producers
12 on a farm who elected not to participate in the pro-
13 duction adjustment program established under the
14 Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) for
15 the 1993 crop of wheat, feed grains, upland cotton,
16 extra long staple cotton, or rice, if the Secretary de-
17 termines that because of damaging weather or relat-
18 ed condition in 1992 or 1993, the total quantity of
19 the 1993 crop of the commodity that the producers
20 are able to harvest on the farm is less than the re-
21 sult of multiplying 60 percent (or in the case of pro-
22 ducers who obtained crop insurance for the 1993
23 crop of the commodity under the Federal Crop In-
24 surance Act (7 U.S.C. 1501 et seq.), 65 percent) of
25 the county average yield established by the Secretary

1 for the crop by the sum of acreage planted for har-
2 vest and the acreage for which prevented planted
3 credit is approved by the Secretary for the crop
4 under subsection (b), the Secretary shall make a dis-
5 aster payment available to the producers.

6 (2) PAYMENT RATE.—The payment shall be
7 made to the producers at a rate equal to—

8 (A) 65 percent of the basic county loan
9 rate (or a comparable price if there is no cur-
10 rent basic county loan rate) for the crop, as de-
11 termined by the Secretary, for any deficiency in
12 production greater than—

13 (i) 40 percent, but not greater than
14 80 percent, for the crop; or

15 (ii) in the case of producers who ob-
16 tained crop insurance for the 1993 crop of
17 the commodity under the Federal Crop In-
18 surance Act, 35 percent, but not greater
19 than 75 percent, for the crop; and

20 (B) 90 percent of the basic county loan
21 rate (or a comparable price if there is no cur-
22 rent basic county loan rate) for the crop, as de-
23 termined by the Secretary, for any deficiency in
24 production greater than—

25 (i) 80 percent for the crop; or

1 (ii) in the case of producers who ob-
2 tained crop insurance for the 1993 crop of
3 the commodity under such Act, 75 percent
4 for the crop.

5 (b) PREVENTED PLANTING CREDIT.—

6 (1) IN GENERAL.—Subject to paragraph (2),
7 the Secretary shall provide prevented planting credit
8 under subsection (a) with respect to acreage that
9 producers on a farm were prevented from planting
10 to the 1993 crop of the commodity for harvest be-
11 cause of damaging weather or related condition in
12 1992 or 1993, as determined by the Secretary.

13 (2) MAXIMUM ACREAGE.—The acreage may not
14 exceed the greater of—

15 (A) a quantity equal to the acreage on the
16 farm planted (or prevented from being planted
17 because of a natural disaster or other condition
18 beyond the control of the producers) to the
19 commodity for harvest in 1992 minus acreage
20 actually planted to the commodity for harvest in
21 1993; or

22 (B) a quantity equal to the average of the
23 acreage on the farm planted (or prevented from
24 being planted because of a natural disaster or
25 other condition beyond the control of the pro-

1 ducers) to the commodity for harvest in 1990,
 2 1991, and 1992 minus acreage actually planted
 3 to the commodity for harvest in 1993.

4 (3) ADJUSTMENTS.—The Secretary shall make
 5 appropriate adjustments in applying the limitations
 6 contained in paragraph (2) to take into account crop
 7 rotation practices of the producers.

8 (c) LIMITATIONS.—

9 (1) ACREAGE LIMITATION PROGRAM.—The
 10 amount of payments made available to producers on
 11 a farm for a crop of a commodity under subsection
 12 (a) shall be reduced by a factor equivalent to the
 13 acreage limitation program percentage established
 14 for the crop under the Agricultural Act of 1949.

15 (2) CROP INSURANCE.—Payments provided
 16 under subsection (a) for a crop of a commodity may
 17 not be made available to the producers on a farm
 18 unless the producers enter into an agreement to ob-
 19 tain multiperil crop insurance, to the extent required
 20 under section 107.

21 **SEC. 103. PEANUTS, SUGAR, AND TOBACCO.**

22 (a) DISASTER PAYMENTS.—

23 (1) IN GENERAL.—Effective only for the 1993
 24 crops of peanuts, sugar beets, sugarcane, and to-
 25 bacco, if the Secretary determines that, because of

1 damaging weather or related condition in 1992 or
2 1993, the total quantity of the 1993 crop of the
3 commodity that the producers on a farm are able to
4 harvest is less than the result of multiplying 60 per-
5 cent (or, in the case of producers who obtained crop
6 insurance for the 1993 crop of the commodity under
7 the Federal Crop Insurance Act (7 U.S.C. 1501 et
8 seq.), 65 percent) of the county average yield (or
9 program yield, in the case of peanuts) established by
10 the Secretary for the crop by the sum of the acreage
11 planted for harvest and the acreage for which pre-
12 vented planted credit is approved by the Secretary
13 for the crop under subsection (b), the Secretary shall
14 make a disaster payment available to the producers.

15 (2) PAYMENT RATE.—The payment shall be
16 made to the producers at a rate equal to—

17 (i) 65 percent of the applicable payment
18 level under paragraph (3), as determined by the
19 Secretary—

20 (I) for any deficiency in production
21 greater than 40 percent (or, in the case of
22 producers who purchased crop insurance
23 for the 1993 crop of the commodity under
24 the Federal Crop Insurance Act, 35 per-
25 cent), but not greater than 80 percent (or,

1 in the case of producers who purchased
2 crop insurance for the 1993 crop of the
3 commodity under such Act, 75 percent),
4 for the crop; or

5 (II) in the case of a crop of burley to-
6 bacco or flue-cured tobacco, for any defi-
7 ciency in production greater than 40 per-
8 cent (or, in the case of producers who pur-
9 chased crop insurance for the 1993 crop of
10 the commodity under such Act, 35 per-
11 cent), but not greater than 80 percent (or,
12 in the case of producers who purchased
13 crop insurance for the 1993 crop of the
14 commodity under such Act, 75 percent), of
15 the effective marketing quota for 1993 of
16 the farm; and

17 (ii) 90 percent of the applicable payment
18 level under paragraph (3), as determined by the
19 Secretary—

20 (I) for any deficiency in production
21 greater than 80 percent (or, in the case of
22 producers who purchased crop insurance
23 for the 1993 crop of the commodity under
24 such Act, 75 percent) for the crop; or

1 (II) in the case of burley tobacco or
2 flue-cured tobacco, for any deficiency in
3 production greater than 80 percent (or, in
4 the case of producers who purchased crop
5 insurance for the 1993 crop of the com-
6 modity under such Act, 75 percent) of the
7 effective marketing quota of the farm for
8 1993.

9 (3) PAYMENT LEVEL.—For purposes of para-
10 graph (1), the payment level for a commodity shall
11 be equal to—

12 (A) for peanuts, the price support level for
13 quota peanuts or the price support level for ad-
14 ditional peanuts, as applicable;

15 (B) for tobacco, the national average loan
16 rate for the type of tobacco involved, or (if
17 there is no rate) the payment level, as deter-
18 mined under section 104(a)(2); and

19 (C) for sugar beets and sugarcane, a level
20 determined by the Secretary to be fair and rea-
21 sonable in relation to the level of price support
22 established for the 1993 crops of sugar beets
23 and sugarcane, and that, insofar as is prac-
24 ticable, shall reflect no less return to the pro-
25 ducer than under the 1993 price support levels.

1 (b) PREVENTED PLANTING CREDIT.—

2 (1) IN GENERAL.—Subject to paragraph (2),
3 the Secretary shall provide prevented planting credit
4 under subsection (a) with respect to acreage that
5 producers on a farm were prevented from planting
6 to the 1993 crop of the commodity for harvest be-
7 cause of damaging weather or related condition in
8 1992 or 1993, as determined by the Secretary.

9 (2) MAXIMUM ACREAGE.—The acreage may not
10 exceed the greater of—

11 (A) a quantity equal to the acreage on the
12 farm planted (or prevented from being planted
13 because of a natural disaster or other condition
14 beyond the control of the producers) to the
15 commodity for harvest in 1992 minus acreage
16 actually to the commodity planted for harvest in
17 1993; or

18 (B) a quantity equal to the average of the
19 acreage on the farm planted (or prevented from
20 being planted because of a natural disaster or
21 other condition beyond the control of the pro-
22 ducers) to the commodity for harvest in 1990,
23 1991, and 1992 minus acreage actually planted
24 to the commodity for harvest in 1993.

1 (3) ADJUSTMENTS.—The Secretary shall make
2 appropriate adjustments in applying the limitations
3 contained in paragraph (2) to take into account crop
4 rotation practices of the producers and any change
5 in quotas for the 1993 crop of tobacco.

6 (c) LIMITATION.—Payments provided under sub-
7 section (a) for a crop of a commodity may not be made
8 available to the producers on a farm unless the producers
9 enter into an agreement to obtain multiperil crop insur-
10 ance, to the extent required under section 107.

11 (d) SPECIAL RULES FOR PEANUTS.—Notwithstand-
12 ing any other provision of law—

13 (1) a deficiency in production of quota peanuts
14 from a farm, as otherwise determined under this
15 section, shall be reduced by the quantity of peanut
16 poundage quota that was the basis of the anticipated
17 production that has been transferred from the farm;

18 (2) payments made under this section shall be
19 made taking into account whether the deficiency for
20 which the deficiency in production is claimed was a
21 deficiency in production of quota or additional pea-
22 nuts and the payment rate shall be established ac-
23 cordingly; and

24 (3) the quantity of undermarketings of quota
25 peanuts from a farm for the 1993 crop that may

1 otherwise be claimed under section 358 of the Agri-
2 cultural Adjustment Act of 1938 (7 U.S.C. 1358)
3 for purposes of future quota increases shall be re-
4 duced by the quantity of the deficiency of production
5 of the peanuts for which payment has been received
6 under this section.

7 (e) SPECIAL RULES FOR TOBACCO.—Notwithstand-
8 ing any other provision of law—

9 (1) the quantity of undermarketings of quota
10 tobacco from a farm for the 1993 crop that may
11 otherwise be claimed under section 317 or 319 of
12 the Agricultural Adjustment Act of 1938 (7 U.S.C.
13 1314c or 1314e) for purposes of future quota in-
14 creases shall be reduced by the quantity of the defi-
15 ciency of production of the tobacco for which pay-
16 ment has been received under this section; and

17 (2) disaster payments made to producers under
18 this section may not be considered by the Secretary
19 in determining the net losses of the Commodity
20 Credit Corporation under section 106A(d) of the Ag-
21 ricultural Act of 1949 (7 U.S.C. 1445–1(d)).

22 (f) SPECIAL RULE FOR SUGARCANE.—For purposes
23 of determining the total quantity of the 1993 crop of sug-
24 arcane that the producers on a farm are able to harvest,

1 the Secretary shall make the determination based on the
2 quantity of recoverable sugar.

3 **SEC. 104. SOYBEANS AND NONPROGRAM CROPS.**

4 (a) DISASTER PAYMENTS.—

5 (1) IN GENERAL.—

6 (A) ELIGIBILITY.—Effective only for the
7 1993 crops of soybeans and nonprogram crops,
8 if the Secretary determines that, because of
9 damaging weather or related condition in 1992
10 or 1993, the total quantity of the 1993 crop of
11 the commodity that the producers on a farm
12 are able to harvest is less than—

13 (i) with respect to soybeans and sun-
14 flowers, the result of multiplying 60 per-
15 cent (or in the case of producers who ob-
16 tained crop insurance, if available, for the
17 1993 crop year of the commodity under
18 the Federal Crop Insurance Act (7 U.S.C.
19 1501 et seq.), 65 percent) of the State,
20 area, or county yield, adjusted for adverse
21 weather conditions during the 1990, 1991,
22 and 1992 crop years, as determined by the
23 Secretary, for the crop by the sum of the
24 acreage planted for harvest and the acre-
25 age for which prevented planting credit is

1 approved by the Secretary for the crop
2 under subsection (b);

3 (ii) with respect to nonprogram crops
4 (other than as provided in clauses (i) and
5 (iii)), the result of multiplying 60 percent
6 (or, in the case of producers who obtained
7 crop insurance, if available, for the 1993
8 crop year of the commodity under the Fed-
9 eral Crop Insurance Act, 65 percent) of
10 the yield established by the Commodity
11 Credit Corporation under subsection (d)(2)
12 for the crop by the sum of the acreage
13 planted for harvest and the acreage for
14 which prevented planting credit is ap-
15 proved by the Secretary for the crop under
16 subsection (b); and

17 (iii) with respect to crops covered in
18 section 201(b) of the Agricultural Act of
19 1949 (7 U.S.C. 1446(b)), 60 percent (or in
20 the case of producers who obtained crop
21 insurance, if available, for the 1993 crop
22 year of the commodity under such Act, 65
23 percent) of the historical annual yield of
24 the producers for the crops, as determined
25 by the Secretary,

1 the Secretary shall make a disaster payment
2 available to the producers.

3 (B) PAYMENT RATE.—The payment shall
4 be made to the producers at a rate equal to—

5 (i) 65 percent of the applicable pay-
6 ment level under paragraph (2), as deter-
7 mined by the Secretary, for any deficiency
8 in production for soybeans, sunflowers, and
9 for other nonprogram crops greater than—

10 (I) 40 percent, but not greater
11 than 80 percent; or

12 (II) in the case of producers who
13 obtained crop insurance, if available,
14 for the 1993 crop under the Federal
15 Crop Insurance Act, 35 percent, but
16 not greater than 75 percent; and

17 (ii) 90 percent of the applicable pay-
18 ment level under paragraph (2), as deter-
19 mined by the Secretary, for any deficiency
20 in production for soybeans, sunflowers, and
21 for other nonprogram crops greater than—

22 (I) 80 percent; or

23 (II) in the case of producers who
24 obtained crop insurance, if available,

1 for the 1993 crop under such Act, 75
2 percent.

3 (2) PAYMENT LEVEL.—For purposes of para-
4 graph (1), the payment level for a commodity shall
5 equal the simple average price received by producers
6 of the commodity, as determined by the Secretary
7 subject to paragraph (3), during the marketing
8 years for the immediately preceding 5 crops of the
9 commodity, excluding the year in which the average
10 price was the highest and the year in which the av-
11 erage price was the lowest in the period.

12 (3) CALCULATION OF PAYMENTS FOR DIF-
13 FERENT VARIETIES.—

14 (A) CROP-BY-CROP BASIS.—The Secretary
15 shall make disaster payments under this sub-
16 section on a crop-by-crop basis, with consider-
17 ation given to markets and uses of the crops,
18 under regulations issued by the Secretary.

19 (B) DIFFERENT VARIETIES.—For pur-
20 poses of determining the payment levels on a
21 crop-by-crop basis, the Secretary shall consider
22 as separate crops, and develop separate pay-
23 ment levels insofar as is practicable for, dif-
24 ferent varieties of the same commodity, and

1 commodities for which there is a significant dif-
2 ference in the economic value in the market.

3 (C) DOUBLE CROPPING.—

4 (i) TREATED SEPARATELY.—In the
5 case of a crop that is historically double
6 cropped (including two crops of the same
7 commodity) by the producers on a farm,
8 the Secretary shall treat each cropping
9 separately for purposes of determining
10 whether the crop was affected by damaging
11 weather or related condition and the total
12 quantity of the crop that the producers are
13 able to harvest.

14 (ii) APPLICATION OF PARAGRAPH.—

15 This paragraph shall not apply in the case
16 of a replacement crop.

17 (4) EXCLUSIONS FROM HARVESTED QUAN-
18 TITIES.—For purposes of determining the total
19 quantity of the 1993 nonprogram crop of the com-
20 modity that the producers on a farm are able to har-
21 vest under paragraph (1), the Secretary shall ex-
22 clude—

23 (A) commodities that cannot be sold in
24 normal commercial channels of trade; and

1 (B) dockage, including husks and shells, if
2 the dockage is excluded in determining yields
3 under subsection (d)(2).

4 (b) PREVENTED PLANTING CREDIT.—

5 (1) IN GENERAL.—The Secretary shall provide
6 prevented planting credit under subsection (a) with
7 respect to acreage that producers on a farm were
8 prevented from planting to the 1993 crop of the
9 commodity for harvest because of damaging weather
10 or related condition in 1992 or 1993, as determined
11 by the Secretary.

12 (2) MAXIMUM ACREAGE.—The acreage may not
13 exceed the greater of—

14 (A) a quantity equal to the acreage on the
15 farm planted (or prevented from being planted
16 because of a natural disaster or other condition
17 beyond the control of the producers) to the
18 commodity for harvest in 1992 minus acreage
19 actually planted to the commodity for harvest in
20 1993; or

21 (B) a quantity equal to the average of the
22 acreage on the farm planted (or prevented from
23 being planted because of a natural disaster or
24 other condition beyond the control of the pro-
25 ducers) to the commodity for harvest in 1990,

1 1991, and 1992 minus acreage actually planted
2 to the commodity for harvest in 1993.

3 (3) ADJUSTMENTS.—The Secretary shall make
4 appropriate adjustments in applying the limitations
5 contained in paragraph (2) to take into account crop
6 rotation practices of the producers.

7 (c) LIMITATION.—Payments provided under sub-
8 section (a) for a crop of a commodity may not be made
9 available to the producers on a farm unless the producers
10 enter into an agreement to obtain multiperil crop insur-
11 ance, to the extent required under section 107.

12 (d) SPECIAL RULES FOR NONPROGRAM CROPS.—

13 (1) DEFINITION OF NONPROGRAM CROP.—As
14 used in this section, the term “nonprogram crop”
15 means all crops for which crop insurance through
16 the Federal Crop Insurance Corporation was avail-
17 able for crop year 1993, and other commercial crops
18 (including ornamentals which shall include flowering
19 shrubs, flowering trees, and field or container grown
20 roses or turf and sweet potatoes for which the insur-
21 ance was not available for crop year 1993), except
22 that the term shall not include a crop covered under
23 section 101, 102, or 103, soybeans, or sunflowers.

24 (2) FARM YIELDS.—

1 (A) ESTABLISHMENT.—The Commodity
2 Credit Corporation shall establish disaster pro-
3 gram farm yields for nonprogram crops to carry
4 out this section.

5 (B) PROVEN YIELDS AVAILABLE.—If the
6 producers on a farm can provide satisfactory
7 evidence to the Commodity Credit Corporation
8 of actual crop yields on the farm for at least 1
9 of the immediately preceding 3 crop years, the
10 yield for the farm shall be based on the proven
11 yield.

12 (C) PROVEN YIELDS NOT AVAILABLE.—If
13 the data do not exist for any of the 3 preceding
14 crop years, the Commodity Credit Corporation
15 shall establish a yield for the farm by using a
16 county average yield for the commodity, or by
17 using other data available to the Corporation.

18 (D) COUNTY AVERAGE YIELDS.—In estab-
19 lishing county average yields for nonprogram
20 crops, the Commodity Credit Corporation shall
21 use the best available information concerning
22 yields. The information may include extension
23 service records, credible nongovernmental stud-
24 ies, and yields in similar counties.

1 (3) RESPONSIBILITY OF PRODUCERS.—It shall
2 be the responsibility of the producers of nonprogram
3 crops to provide satisfactory evidence of 1993 crop
4 losses resulting from damaging weather or related
5 condition in 1992 or 1993 in order for the producers
6 to obtain disaster payments under this section.

7 **SEC. 105. CROP QUALITY REDUCTION DISASTER PAY-**
8 **MENTS.**

9 (a) IN GENERAL.—To ensure that all producers of
10 1993 crops covered under sections 101 through 104 are
11 treated equitably, the Secretary shall make additional dis-
12 aster payments to producers of the crops who suffer losses
13 resulting from the reduced quality of the crops caused by
14 damaging weather or related condition in 1992 or 1993,
15 as determined by the Secretary.

16 (b) ELIGIBLE PRODUCERS.—Producers on a farm of
17 a crop described in subsection (a) shall be eligible to re-
18 ceive reduced quality disaster payments only if the produc-
19 ers incur a deficiency in production of—

20 (1) not less than—

21 (A) 40 percent; or

22 (B) in the case of producers who obtained
23 crop insurance for the crop under the Federal
24 Crop Insurance Act (7 U.S.C. 1501 et seq.), 35
25 percent; and

1 (2) not more than 75 percent for the crop (as
2 determined under section 101, 102, 103, or 104, as
3 appropriate).

4 (c) MAXIMUM PAYMENT RATE.—The Secretary shall
5 establish the reduced quality disaster payment rate, except
6 that the rate shall not exceed 10 percent, as determined
7 by the Secretary, of—

8 (1) the established price for the crop, for com-
9 modities covered under section 101;

10 (2) the basic county loan rate for the crop (or
11 a comparable price if there is no current basic coun-
12 ty loan rate), for commodities covered under section
13 102;

14 (3) the payment level under section 103(a)(3),
15 for commodities covered by section 103; and

16 (4) the payment level under section 104(a)(2),
17 for commodities covered under section 104.

18 (d) DETERMINATION OF PAYMENT.—The amount of
19 payment to a producer under this section shall be deter-
20 mined by multiplying the payment rate established under
21 subsection (c) by the portion of the actual harvested crop
22 on the farm of the producer that is reduced in quality by
23 the natural disaster in 1992 or 1993, as determined by
24 the Secretary.

1 **SEC. 106. EFFECT OF FEDERAL CROP INSURANCE PAY-**
2 **MENTS.**

3 In the case of producers on a farm who obtained crop
4 insurance for the 1993 crop of a commodity under the
5 Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), the
6 Secretary shall reduce the amount of payments made
7 available under this subtitle for the crop to the extent that
8 the amount determined by adding the net amount of crop
9 insurance indemnity payment (gross indemnity less pre-
10 mium paid) received by the producers for the deficiency
11 in the production of the crop and the disaster payment
12 determined in accordance with this subtitle for the crop
13 exceeds the amount determined by multiplying—

14 (1) 100 percent of the greater of—

15 (A) the yield used for the calculation of
16 disaster payments made under this subtitle for
17 the crop; or

18 (B) the crop insurance yield for the crop;
19 by

20 (2) the sum of the acreage of the crop planted
21 to harvest and the acreage for which prevented
22 planting credit is approved by the Secretary (or, in
23 the case of disaster payments under section 101, the
24 eligible acreage established under sections 101(a)(1)
25 and 101(a)(2)(A)); by

1 (3)(A) in the case of producers who participated
2 in a production adjustment program for the 1993
3 crop of wheat, feed grains, upland cotton, extra long
4 staple cotton, or rice, the established price for the
5 1993 crop of the commodity;

6 (B) in the case of producers who did not par-
7 ticipate in a production adjustment program for the
8 1993 crop of wheat, feed grains, upland cotton,
9 extra long staple cotton, or rice, the basic county
10 loan rate (or a comparable price, as determined by
11 the Secretary, if there is no current basic county
12 loan rate) for the 1993 crop of the commodity;

13 (C) in the case of producers of sugar beets, sug-
14 arcane, peanuts, or tobacco, the payment level for
15 the commodity established under section 103(a)(3);
16 and

17 (D) in the case of producers of soybeans or a
18 nonprogram crop (as defined in section 104(d)(1)),
19 the simple average price received by producers of the
20 commodity, as determined by the Secretary, during
21 the marketing years for the immediately preceding 5
22 crops of the commodity, excluding the year in which
23 the average price was the highest and the year in
24 which the average price was the lowest in the period.

1 **SEC. 107. CROP INSURANCE COVERAGE FOR THE 1994 AND**
2 **1995 CROPS.**

3 (a) REQUIREMENT.—Subject to the limitations under
4 subsection (b), producers on a farm, to be eligible to re-
5 ceive a disaster payment under this subtitle, an emergency
6 loan under subtitle C of the Consolidated Farm and Rural
7 Development Act (7 U.S.C. 1961 et seq.) for crop losses
8 due to damaging weather or related condition in 1992 or
9 1993, or forgiveness of the repayment of advance defi-
10 ciency payments under section 101(b), shall agree to ob-
11 tain multiperil crop insurance under the Federal Crop In-
12 surance Act (7 U.S.C. 1501 et seq.) for each of the 1994
13 and 1995 crops of the commodity for which the payment,
14 loan, or forgiveness is sought.

15 (b) LIMITATIONS.—Producers on a farm shall not be
16 required to agree to obtain crop insurance under sub-
17 section (a) for a commodity—

18 (1) where, or if, crop insurance coverage is not
19 available to the producers for the commodity for
20 which the payment, loan, or forgiveness is sought;

21 (2) if the annual premium rate of the producers
22 for the crop insurance is an amount greater than
23 125 percent of the average premium rate for insur-
24 ance on the commodity for the 1993 crop in the
25 county in which the producers are located;

1 (3) in any case in which the annual premium of
2 the producers for the crop insurance is an amount
3 greater than 25 percent of the amount of the pay-
4 ment, loan, or forgiveness sought;

5 (4) if the producers can establish by appeal to
6 the county committee established under section 8(b)
7 of the Soil Conservation and Domestic Allotment
8 Act (16 U.S.C. 590(b)), or to the county committee
9 established under section 332 of the Consolidated
10 Farm and Rural Development Act (7 U.S.C. 1982),
11 as appropriate, that the purchase of crop insurance
12 would impose an undue financial hardship on the
13 producers and that a waiver of the requirement to
14 obtain crop insurance should, in the discretion of the
15 county committee, be granted; or

16 (5) if the disaster payment or forgiveness of re-
17 payment of advance deficiency payments arises from
18 conditions that prevent planting, except that this
19 paragraph shall not apply if the Federal Crop Insur-
20 ance Corporation offers a policy providing the same
21 coverage in terms of yields and prices for the risk
22 of prevented planting as the Corporation does for
23 other perils covered in the Corporation policy.

24 (c) IMPLEMENTATION.—

1 (1) COUNTY COMMITTEES.—The Secretary shall
2 ensure (acting through the county committees estab-
3 lished under section 8(b) of the Soil Conservation
4 and Domestic Allotment Act and located in the
5 counties in which the assistance programs provided
6 for under sections 101 through 105 are carried out
7 and through the county committees established
8 under section 332 of the Consolidated Farm and
9 Rural Development Act in counties in which emer-
10 gency loans, as described in subsection (a), are made
11 available) that producers who apply for assistance,
12 as described in subsection (a), obtain multiperil crop
13 insurance as required under this section.

14 (2) OTHER SOURCES.—Each producer who is
15 subject to the requirements of this section may com-
16 ply with the requirements by providing evidence of
17 multiperil crop insurance coverage from sources
18 other than through the county committee office, as
19 approved by the Secretary.

20 (3) COMMISSIONS.—The Secretary shall provide
21 by regulation for a reduction in the commissions
22 paid to private insurance agents, brokers, or compa-
23 nies on crop insurance contracts entered into under
24 this section sufficient to reflect that the insurance

1 contracts principally involve only a servicing function
2 to be performed by the agent, broker, or company.

3 (d) REPAYMENT OF BENEFITS.—Notwithstanding
4 any other provision of law, if (prior to the end of the 1994
5 crop year for the commodity involved) the crop insurance
6 coverage required of the producer under this section is
7 canceled by the producer, the producer—

8 (1) shall make immediate repayment to the Sec-
9 retary of any disaster payment or forgiven advance
10 deficiency payment that the producer otherwise is
11 required to repay; and

12 (2) shall become immediately liable for full re-
13 payment of all principal and interest outstanding on
14 any emergency loan described in subsection (a).

15 **SEC. 108. CROPS HARVESTED FOR FORAGE USES.**

16 Not later than 15 days after the date of enactment
17 of this Act, the Secretary shall announce the terms and
18 conditions by which producers on a farm may establish
19 a 1993 yield with respect to crops that will be harvested
20 for silage and other forage uses.

21 **SEC. 109. PAYMENT LIMITATIONS.**

22 (a) LIMITATION.—Subject to subsections (b) and (c),
23 the total amount of payments that a person shall be enti-
24 tled to receive under one or more of the programs estab-
25 lished under this subtitle may not exceed \$100,000.

1 (b) NO DOUBLE BENEFITS.—No person may receive
2 disaster payments under this subtitle to the extent that
3 the person receives a livestock emergency benefit for lost
4 feed production in 1993 under section 606 of the Agricul-
5 tural Act of 1949 (7 U.S.C. 1471d).

6 (c) COMBINED LIMITATION.—

7 (1) IN GENERAL.—No person may receive any
8 payment under this subtitle or benefit under title VI
9 of the Agricultural Act of 1949 (7 U.S.C. 1471 et
10 seq.) for livestock emergency losses suffered in 1993
11 if the payment or benefit will cause the combined
12 total amount of the payments and benefits received
13 by the person to exceed \$100,000.

14 (2) ELECTION.—If a person is subject to para-
15 graph (1), the person may elect (subject to the bene-
16 fits limitations under section 609 of the Agricultural
17 Act of 1949 (7 U.S.C. 1471g)) whether to receive
18 the \$100,000 in the payments, or the livestock emer-
19 gency benefits (not to exceed \$50,000), or a com-
20 bination of payments and benefits specified by the
21 person.

22 (d) REGULATIONS.—The Secretary shall issue regu-
23 lations—

24 (1) defining the term “person” for the purposes
25 of this section and section 141, which shall conform,

1 to the extent practicable, to the regulations defining
 2 the term “person” issued under section 1001 of the
 3 Food Security Act of 1985 (7 U.S.C. 1308) and
 4 chapter 3 of subtitle B of title XXII of the Food,
 5 Agriculture, Conservation, and Trade Act of 1990 (7
 6 U.S.C. 1421 note); and

7 (2) prescribing such rules as the Secretary de-
 8 termines necessary to ensure a fair and reasonable
 9 application of the limitations established under this
 10 section.

11 **SEC. 110. DE MINIMIS YIELDS.**

12 (a) DISASTER PAYMENTS.—

13 (1) IN GENERAL.—The Secretary shall deter-
 14 mine a de minimis yield for each crop eligible for re-
 15 duced yield disaster payments under this subtitle.

16 (2) LEVEL.—The de minimis yield shall be set
 17 at a level that will minimize any incentive provided
 18 by the prospect of disaster payments to abandon
 19 crops that have a value that exceeds the cost of har-
 20 vesting. The de minimis yield may not be less than
 21 the quantity of production that, when valued at then
 22 current market prices, equals the average cost of
 23 harvesting the crop, as determined by the Secretary.

24 (3) ACTUAL YIELD LESS THAN DE MINIMIS
 25 YIELD.—A producer with an actual yield for a crop

1 that is equal to or less than the de minimis yield for
 2 the crop shall be considered as having an actual
 3 yield of zero for the purpose of calculating any re-
 4 duced yield disaster payments for the crop under
 5 this subtitle.

6 (b) CROP INSURANCE.—If the actual yield for a crop
 7 on a farm is equal to or less than the de minimis yield
 8 for the crop determined by the Secretary pursuant to sub-
 9 section (a), neither the Federal Crop Insurance Corpora-
 10 tion (including an agent or employee of the Corporation),
 11 nor a company reinsured by the Federal Crop Insurance
 12 Corporation (including an agent or employee of the com-
 13 pany), may require the destruction of a portion of the crop
 14 as a condition for making a full crop loss indemnity pay-
 15 ment to a producer under the terms of a valid contract
 16 of insurance on the crop.

17 **SEC. 111. SUBSTITUTION OF CROP INSURANCE PROGRAM**
 18 **YIELDS.**

19 (a) IN GENERAL.—Notwithstanding any other provi-
 20 sion of this subtitle, the Secretary may permit each eligible
 21 producer (as defined in subsection (d)) of a 1993 crop of
 22 a commodity who has obtained multiperil crop insurance
 23 for the crop (or, as provided in subsection (c), who ob-
 24 tained multiperil crop insurance for the 1992 crop of the
 25 producer of the commodity) under the Federal Crop Insur-

1 ance Act (7 U.S.C. 1501 et seq.) to substitute, at the dis-
 2 cretion of the producer, the crop insurance yield for the
 3 crop, as established under such Act, for the farm yield
 4 otherwise assigned to the producer under this subtitle, for
 5 the purposes of determining the eligibility of the producer
 6 for a disaster payment on the 1993 crop under this sub-
 7 title and the amount of the payment.

8 (b) ADJUSTMENT OF ADVANCE DEFICIENCY PAY-
 9 MENTS.—

10 (1) IN GENERAL.—Notwithstanding any other
 11 provision of this subtitle, if an eligible producer of
 12 wheat, feed grains, upland cotton, extra long staple
 13 cotton, or rice elects to substitute yields for the
 14 1993 crop of the producer under subsection (a), the
 15 eligibility of the producer for a waiver or repayment
 16 of an advance deficiency payment on the crop under
 17 this subtitle shall be adjusted as provided in para-
 18 graph (2).

19 (2) QUANTITY.—The quantity of production of
 20 the crop on which the producer otherwise would be
 21 eligible for waiver of repayment of advance defi-
 22 ciency payments under this subtitle shall be reduced
 23 by a quantity of production equal to the difference
 24 between—

1 (A) the quantity of production eligible for
 2 disaster payments under this subtitle using a
 3 substituted yield under this section; and

4 (B) the quantity of production that would
 5 have been eligible for disaster payments using
 6 the farm program payment yield otherwise as-
 7 signed to the producer under this subtitle.

8 (c) MULTIPERIL CROP INSURANCE NOT AVAIL-
 9 ABLE.—A producer may use the crop insurance yield for
 10 the 1992 crop of the producer of a commodity for purposes
 11 of substituting yields under subsection (a) if the producer
 12 demonstrates to the Secretary that, through no fault of
 13 the producer, multiperil crop insurance under the Federal
 14 Crop Insurance Act was not made available to the pro-
 15 ducer for the 1993 crop of the producer of the commodity.

16 (d) DEFINITION OF ELIGIBLE PRODUCER.—As used
 17 in this section, the term “eligible producer” means a pro-
 18 ducer of the 1993 crop of wheat, feed grains, upland cot-
 19 ton, extra long staple cotton, rice, or soybeans.

20 **SEC. 112. PLANTING OILSEEDS ON PREVENTED PLANTING**
 21 **ACREAGE.**

22 If the producers on a farm are prevented from plant-
 23 ing a program crop because of damaging weather or relat-
 24 ed condition in 1993 and file with the Secretary for pre-
 25 vented planting credit to preserve the program crop base

1 of the producers for future crop years, the producers shall
2 be permitted to place under a price support loan a sub-
3 stitute oilseed crop grown on the prevented planting acre-
4 age.

5 **Subtitle B—Orchards**

6 **SEC. 121. DEFINITION OF ELIGIBLE ORCHARDIST.**

7 As used in this subtitle, the term “eligible orchardist”
8 means a person who produces annual crops from trees for
9 commercial purposes and owns 500 acres or less of the
10 trees.

11 **SEC. 122. ELIGIBILITY.**

12 (a) LOSS.—Subject to the limitation in subsection
13 (b), the Secretary shall provide assistance, as specified in
14 section 123, to eligible orchardists that planted trees for
15 commercial purposes but lost the trees as a
16 result of freeze, earthquake, or related condition in 1993,
17 as determined by the Secretary.

18 (b) LIMITATION.—An eligible orchardist shall qualify
19 for assistance under subsection (a) only if the tree mortal-
20 ity of the orchardist, as a result of the natural disaster,
21 exceeds 35 percent (adjusted for normal mortality).

22 **SEC. 123. ASSISTANCE.**

23 The assistance provided by the Secretary to eligible
24 orchardists for losses described in section 122 shall consist
25 of—

1 (1) reimbursement of 65 percent of the cost of
2 replanting trees lost because of freeze, earthquake,
3 or related condition in 1993 in excess of 35 percent
4 mortality (adjusted for normal mortality); or

5 (2) at the discretion of the Secretary, sufficient
6 seedlings to reestablish the stand.

7 **SEC. 124. LIMITATION ON ASSISTANCE.**

8 (a) IN GENERAL.—The total amount of payments
9 that a person shall be entitled to receive under this subtitle
10 may not exceed \$25,000, or an equivalent value in tree
11 seedlings.

12 (b) REGULATIONS.—The Secretary shall issue regula-
13 tions—

14 (1) defining the term “person” for the purposes
15 of this subtitle, which shall conform, to the extent
16 practicable, to the regulations defining the term
17 “person” issued under section 1001 of the Food Se-
18 curity Act of 1985 (7 U.S.C. 1308) and chapter 3
19 of subtitle B of title XXII of the Food, Agriculture,
20 Conservation, and Trade Act of 1990 (7 U.S.C.
21 1421 note); and

22 (2) prescribing such rules as the Secretary de-
23 termines necessary to ensure a fair and reasonable
24 application of the limitation established under this
25 section.

1 **SEC. 125. DUPLICATIVE PAYMENTS.**

2 The Secretary shall establish guidelines to ensure
3 that no person receives duplicative payments under this
4 subtitle and the forestry incentives program, agricultural
5 conservation program, or other Federal program.

6 **Subtitle C—Forest Crops**

7 **SEC. 131. DEFINITION OF ELIGIBLE TREE FARMER.**

8 As used in this subtitle, the term “eligible tree farm-
9 er” means a person who grows trees for harvest for com-
10 mercial purposes and owns 1,000 acres or less of the trees.

11 **SEC. 132. ELIGIBILITY.**

12 (a) LOSS.—Subject to the limitation in subsection
13 (b), the Secretary shall provide assistance, as specified in
14 section 133, to eligible tree farmers that planted tree seed-
15 lings in 1992 or 1993 for commercial purposes but lost
16 the seedlings as a result of drought, earthquake, or related
17 condition in 1993, as determined by the Secretary.

18 (b) LIMITATION.—An eligible tree farmer shall qual-
19 ify for assistance under subsection (a) only if the tree
20 seedling mortality of the tree farmer, as a result of the
21 natural disaster, exceeds 35 percent (adjusted for normal
22 mortality).

23 **SEC. 133. ASSISTANCE.**

24 The assistance provided by the Secretary to eligible
25 tree farmers for losses described in section 132 shall con-
26 sist of—

- 1 (1) reimbursement of 65 percent of the cost of
2 replanting seedlings lost because of drought, earth-
3 quake, or related condition in 1993 in excess of 35
4 percent mortality (adjusted for normal mortality); or
5 (2) at the discretion of the Secretary, sufficient
6 tree seedlings to reestablish the stand.

7 **SEC. 134. LIMITATION ON ASSISTANCE.**

8 (a) IN GENERAL.—The total amount of payments
9 that a person shall be entitled to receive under this subtitle
10 may not exceed \$25,000, or an equivalent value in tree
11 seedlings.

12 (b) REGULATIONS.—The Secretary shall issue regula-
13 tions—

14 (1) defining the term “person” for the purposes
15 of this subtitle, which shall conform, to the extent
16 practicable, to the regulations defining the term
17 “person” issued under section 1001 of the Food Se-
18 curity Act of 1985 (7 U.S.C. 1308) and chapter 3
19 of subtitle B of title XXII of the Food, Agriculture,
20 Conservation, and Trade Act of 1990 (7 U.S.C.
21 1421 note); and

22 (2) prescribing such rules as the Secretary de-
23 termines necessary to ensure a fair and reasonable
24 application of the limitation established under this
25 section.

1 **SEC. 135. DUPLICATIVE PAYMENTS.**

2 The Secretary shall establish guidelines to ensure
3 that no person receives duplicative payments under this
4 subtitle and the forestry incentives program, agricultural
5 conservation program, or other Federal program.

6 **Subtitle D—Administrative**
7 **Provisions**

8 **SEC. 141. INELIGIBILITY.**

9 (a) GENERAL RULE.—A person who has qualifying
10 gross revenues in excess of \$2,000,000 annually, as deter-
11 mined by the Secretary, shall not be eligible to receive any
12 disaster payment or other benefits under this title.

13 (b) QUALIFYING GROSS REVENUES.—As used in this
14 section, the term “qualifying gross revenues” means—

15 (1) if a majority of the annual gross revenues
16 of the person are received from farming, ranching,
17 and forestry operations, the gross revenue from the
18 farming, ranching, and forestry operations of the
19 person; and

20 (2) if less than a majority of the annual gross
21 revenues of the person are received from farming,
22 ranching, and forestry operations, the gross revenue
23 of the person from all sources.

24 **SEC. 142. TIMING AND MANNER OF ASSISTANCE.**

25 (a) TIMING OF ASSISTANCE.—

1 (1) ASSISTANCE MADE AVAILABLE AS SOON AS
2 PRACTICABLE.—Subject to paragraph (2), the Sec-
3 retary shall make disaster assistance available under
4 this title as soon as practicable after the date on
5 which funds are made available to carry out this
6 title.

7 (2) COMPLETED APPLICATION.—No payment or
8 benefit provided under this title shall be payable or
9 due until such time as a completed application for
10 a crop of a commodity has been approved.

11 (b) MANNER.—The Secretary may make payments
12 available under this title in the form of cash, commodities,
13 or commodity certificates, as determined by the Secretary.

14 **SEC. 143. COMMODITY CREDIT CORPORATION.**

15 (a) USE.—The Secretary shall use the funds, facili-
16 ties, and authorities of the Commodity Credit Corporation
17 in carrying out this title.

18 (b) EXISTING AUTHORITY.—The authority provided
19 by this title shall be in addition to, and not in place of,
20 any authority granted to the Secretary or the Commodity
21 Credit Corporation under any other provision of law.

22 **SEC. 144. REGULATIONS.**

23 The Secretary or the Commodity Credit Corporation,
24 as appropriate, shall issue regulations to implement this
25 title as soon as practicable after the date of enactment

1 of this Act, without regard to the requirement for notice
 2 and public participation in rulemaking prescribed in sec-
 3 tion 553 of title 5, United States Code, or in any directive
 4 of the Secretary.

5 **SEC. 145. APPLICATION OF SUBTITLE.**

6 Except as otherwise provided in this title, this subtitle
 7 shall apply to subtitles A, B, and C.

8 **TITLE II—RURAL BUSINESSES**

9 **SEC. 201. DISASTER ASSISTANCE FOR RURAL BUSINESS EN-**
 10 **TERPRISES.**

11 (a) LOAN GUARANTEES.—The Secretary shall guar-
 12 antee loans made in rural areas—

13 (1) to public, private, or cooperative organiza-
 14 tions, to Indian tribes on Federal and State reserva-
 15 tions or other Federally recognized Indian tribal
 16 groups, or to any other business entities to assist the
 17 organizations, tribes, or entities in alleviating the
 18 distress caused to the organizations, tribes, or enti-
 19 ties, directly or indirectly, by damaging weather or
 20 related condition in 1992 or 1993; and

21 (2) to organizations, tribes, or entities described
 22 in paragraph (1) that refinance or restructure debt
 23 as a result of losses incurred, directly or indirectly,
 24 because of damaging weather or related condition in
 25 1992 or 1993.

1 (b) ELIGIBLE LOANS.—To be eligible for a loan guar-
 2 antee under this section, a loan shall be a loan made by
 3 a Federal or State chartered bank, savings and loan asso-
 4 ciation, cooperative lending agency, insurance company, or
 5 other legally organized lending agency.

6 (c) LOAN GUARANTEE LIMITS.—

7 (1) PERCENTAGE OF PRINCIPAL AND INTER-
 8 EST.—No guarantee under this section shall exceed
 9 90 percent of the principal and interest amount of
 10 the loan or \$500,000, whichever is less.

11 (2) TOTAL AMOUNT.—The total amount of loan
 12 guarantees under this section shall not exceed
 13 \$200,000,000.

14 (d) USE OF THE RURAL DEVELOPMENT INSURANCE
 15 FUND.—The Secretary shall use the Rural Development
 16 Insurance Fund established under section 309A of the
 17 Consolidated Farm and Rural Development Act (7 U.S.C.
 18 1929a) for the purpose of discharging the obligations of
 19 the Secretary under this section.

20 **TITLE III—DISASTER CREDIT** 21 **AND FORBEARANCE**

22 **SEC. 301. EMERGENCY LOANS.**

23 Section 321(b) of the Consolidated Farm and Rural
 24 Development Act (7 U.S.C. 1961(b)) shall not apply to
 25 a person who otherwise would be eligible for an emergency

1 loan under subtitle C of such Act, if the eligibility is the
2 result of damage to an annual crop planted for harvest
3 in 1993.

4 **SEC. 302. FARM OPERATING LOANS.**

5 (a) DIRECT CREDIT.—To the maximum extent prac-
6 ticable, the Secretary shall ensure that direct operating
7 loans made or insured under subtitle B of the Consoli-
8 dated Farm and Rural Development Act (7 U.S.C. 1941
9 et seq.) for 1994 crop production are made available to
10 farmers and ranchers suffering major losses due to dam-
11 aging weather or related condition in 1992 or 1993 as au-
12 thorized under laws in existence on the date of enactment
13 of this Act, and under regulations of the Secretary, that
14 promote the objective of enabling farmers and ranchers
15 to stay in business.

16 (b) LOAN GUARANTEES.—

17 (1) IN GENERAL.—Notwithstanding any other
18 provision of law, the Secretary shall make available
19 for fiscal year 1994 guarantees to commercial or co-
20 operative lenders for loans under subtitle B of the
21 Consolidated Farm and Rural Development Act, to
22 refinance or reamortize 1993 operating loans, or
23 1993 or 1994 installments due and payable on real
24 estate debt, farm equipment or building debt (in-
25 cluding debt for a storage facility), livestock loan, or

1 other operating debt, of farmers and ranchers that
2 otherwise cannot be repaid due to major losses in-
3 curred by the farmers or ranchers because of dam-
4 aging weather or related condition in 1992 or 1993.

5 (2) REAMORTIZATION.—Each loan guaranteed
6 because of damaging weather or related condition in
7 1992 or 1993 using funds made available for fiscal
8 year 1994, as described in paragraph (1), shall con-
9 tain terms and conditions governing the
10 reamortization of the debt of the farmer or rancher
11 that will provide the farmer or rancher a reasonable
12 opportunity to continue to receive new operating
13 credit while repaying the guaranteed loan, as deter-
14 mined by the Secretary.

15 (3) ELIGIBILITY.—Notwithstanding any other
16 provision of law, a person eligible to receive pay-
17 ments under subtitle A of title I shall be eligible for
18 a guarantee, in accordance with this subsection, for
19 a loan made to the person by a commercial or coop-
20 erative lender to refinance installment payments that
21 are or become due and payable during 1993 or
22 1994, as described in paragraph (1), except that, to
23 be eligible to have the loan guaranteed, the person
24 shall otherwise—

1 (A) be current in the obligation of the per-
2 son to the commercial or cooperative lender
3 that agrees to accept the guarantee in consider-
4 ation of allowing the person to make the 1993
5 or 1994 payment or installment over a period
6 of time not to exceed 6 years from the original
7 due date of the payment or installment; and

8 (B) meet the criteria for guaranteed loan
9 borrowers under subtitle B of the Consolidated
10 Farm and Rural Development Act established
11 by the Secretary.

12 (c) USE OF AGRICULTURAL CREDIT INSURANCE
13 FUND.—For purposes of providing guaranteed loans in
14 accordance with subsection (b), in addition to funds other-
15 wise available, the Secretary may use any funds available
16 from the Agricultural Credit Insurance Fund for fiscal
17 years 1993 or 1994 for emergency insured and guaranteed
18 loans under subtitle C of the Consolidated Farm and
19 Rural Development Act (7 U.S.C. 1961 et seq.) to meet
20 the needs resulting from damaging weather or related con-
21 dition in 1992 or 1993, except that funds available from
22 the Fund first shall be used to satisfy the level of assist-
23 ance estimated by the Secretary to meet the needs of per-
24 sons eligible for emergency disaster loans.



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